



## BOARD OF COUNTY COMMISSIONERS

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*VIA FACSIMILE (404) 675-6247 AND FEDERAL EXPRESS*  
August 20, 2003

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Mr. Alan Hallum, Chief  
Water Protection Branch  
4220 International Parkway, Suite 101  
Atlanta, Georgia 30354

Re: In re: City of Cairo Land Application System  
Proposed Consent Order No. EPD-WQ-4171

Dear Mr. Hallum:

As we believe you are aware, Leon County and the State of Florida have for some time been concerned about the quality of water flowing into Leon County from Georgia in the Ochlockonee River. Contaminants from the Georgia side of the border are contributing to water quality violations in the river itself and to degradation of at least two lakes in Leon County that receive water from the Ochlockonee.

Leon County recently has been reviewing files obtained from the offices of Georgia EPD documenting severe problems with the Cairo public water treatment system. These files demonstrate that the Cairo system has been in gross and continuous violation of its operating permit and the Clean Water Act for at least five years. The Land Application System, according to the city's permit, is not supposed to discharge any waste waters to the Ochlockonee's tributaries:

This facility shall be operated as a no discharge system. Any discharge of wastewater from the mechanical plant, storage pond, or sprayfield will be a violation of this permit.<sup>1</sup>

The Cairo LAS, however, has never been able to handle the amount of waste it receives. As a result, since 1998 the LAS has released hundreds of thousands of gallons of sewage wastewater on a daily basis – almost 60% of the plant's inflow, by our calculation – into the Ochlockonee's tributaries. EDP has described this runoff as "severe." These discharges are illegal and are carrying unpermitted contaminants

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<sup>1</sup> Permit No. GA02-087 issued on 02/07/1996 and remained in effect until 02/06/2001. The quoted language is found in the permit renewal dated 01/07/2001, and is in effect until 01/07/2006.

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into the Ochlockonee River. In addition, the city's water treatment plant is outdated and wholly inadequate for the flow of waste from the city. EPD's files document many overflows and spills of raw, untreated sewage from this facility into the Ochlockonee's tributaries only a few miles from the Florida border. EPD records show that between the years 1998 and 2002, the Cairo facility spilled nearly 2.7 million gallons of raw, untreated sewage from these overflows, much of which has likely found its way into Florida.

We do not understand how EPD could have allowed these illegal and dangerous discharges to continue unabated for so long. According to EPD records, very little has changed since 1998. The LAS, which by law is not allowed to discharge any wastewater, continues to illegally discharge hundreds of thousands of gallons every day, just as it did five years ago. The illegal spills and overflows of raw sewage from the treatment plant have not been corrected and continue to threaten Leon County's water and citizens. Cairo clearly needs a new treatment facility, as it did five years ago. Yet it appears the city is no closer to designing and building such a facility today than it was in 1998. In fact, according to EPD records, the city has recently dismissed its most recent engineering firm, which was supposed to be developing these plans, and now has to find yet another engineering firm before it can even begin to plan a new facility.

In light of all of this, the recent consent order proposed by EPD to deal with this situation is grossly inadequate. The EDP files document a five-year history of Cairo's multiple failures to comply with previous deadlines and consent orders. Those orders, like the proposed one, requested the City to submit plans with deadlines, which the city then largely ignored. Still today, there is no approved plan, no engineering firm, no new plant construction underway, and no end in sight to the illegal discharges or to the delays in stopping those discharges. EPD's proposed consent order, which consists of nothing more than yet another request for "milestone" dates, does not adequately address the situation.

EPD's approach to fines is also perpetuating the problem. EPD has for years allowed the city to engage in almost daily and extensive illegal discharges and unchecked sewage spills for a fine of only \$1000 per month. The proposed consent order continues this minimal penalty. By law, these discharges are subject to fines of up to \$50,000 per violation, yet for a mere \$12,000 per year EPD has essentially "licensed" the city to continue polluting the Ochlockonee indefinitely with sewage and wastewater. The minimal fines imposed by EPD apparently provide the city little

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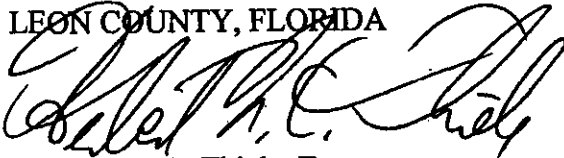
incentive to change the status quo and instead encourage delay and missed deadlines.

Instead of replacing the broken water treatment system, the city and Grady County have invested their resources and money into building a dam and recreational lake on Tired Creek. The dam, if permitted, is likely to reduce the flow of clean water into the Ochlockonee, thus making matters worse. For those of us on the receiving end of Cairo's illegal discharges, it is discouraging to see Grady County obtain a million dollars of state funding to permit this dam while Cairo's sewage waste continues to degrade Leon County's own streams and lakes.

Leon County objects to the proposed consent order as inadequate. EPD is not diligently enforcing the Clean Water Act or protecting the citizens of Leon County from these discharges.

Sincerely,

OFFICE OF THE COUNTY ATTORNEY  
LEON COUNTY, FLORIDA



Herbert W. A. Thiele, Esq.  
County Attorney

HWAT:sl

cc: Honorable Chairman and Members of the Board of County Commissioners  
Parwez Alam, County Administrator  
Gary Johnson, Director of Growth & Environmental Management  
John Kraynak, Director of Environmental Compliance